

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

NOTICE OF PROPOSED REGULATORY ACTION

TITLE 13, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2
AMEND ARTICLE 9, SECTION 712

LIGHTING EQUIPMENT - FOG LAMPS (CHP-R-03-01)

The California Highway Patrol (CHP) proposes to amend regulations in Title 13, California Code of Regulations, related to requirements for fog lamps.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 26103 of the California Vehicle Code (VC) authorizes the CHP to adopt regulations establishing standards and specifications for, among other items, lighting equipment. Standards for auxiliary driving lamps, fog lamps and passing lamps are contained in Sections 710 through 713, Title 13, California Code of Regulations (13 CCR).

The current standards for fog lamps adopt by reference two specific standards adopted by the Society of Automotive Engineers (SAE). Fog lamps may currently meet the standards contained in either SAE Standard J583d, July 1977 or J583, JUN93, at the option of the manufacturer.

The CHP now proposes to amend these standards to provide that fog lamps may also comply with the latest version of this standard, SAE J583 JUN2001, again at the option of the manufacturer. This latest version of the SAE standard for fog lamps provides a sharper upper cutoff of projected light, making it easier for the vehicle operator to aim the lamps properly and resulting in decreased glare to oncoming motorists.

PUBLIC COMMENTS

Any interested person may submit written comments on this proposed action via facsimile at (916) 446-4579, by email to cvsregs@chp.ca.gov, or by writing to:

CHP, Enforcement Services Division
Commercial Vehicle Section
ATTN: Mr. Jack Schwendener
P. O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until 5:00 PM, December 1, 2003.

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section, no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an initial statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 446-4579 or by calling the CHP, Commercial Vehicle Section at (916) 445-1865. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the California Highway Patrol, Commercial Vehicle Section, 444 North Third Street, Sacramento. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through our web site at www.chp.ca.gov/regulations.

Any person desiring to obtain a copy of the adopted text and a final statement of reasons may request them at the above noted address. Copies will also be posted on our web site.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Jack Schwendener or Mr. Gary Ritz, CHP, Commercial Vehicle Section at (916) 445-1865. Inquiries regarding the substance of the proposed regulations should be directed to Mr. Jack Schwendener.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

FISCAL AND ECONOMIC IMPACT

The CHP has made an initial determination that this proposed regulatory action: (1) will have no effect on housing costs; (2) will not impose any new mandate upon local agencies or school districts; (3) involves no nondiscretionary or reimbursable costs or savings to any local agency, school district, or state agency, or federal funding to the state; (4) will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California; and (5) will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states. The regulated community is encouraged to respond during the comment period of this regulatory process if significant impacts are identified.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The California Highway Patrol is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

The California Highway Patrol has determined that the proposed regulatory action may affect small businesses.

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the California Highway Patrol must determine that no reasonable alternative considered by the California Highway Patrol, or that has otherwise been identified and brought to the attention of the California Highway Patrol, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The California Highway Patrol invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AUTHORITY

This regulatory action is being taken pursuant to Sections 2402 and 26103 VC.

REFERENCE

This action implements, interprets, or makes specific Sections 24403, 24012 and 26103 VC.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

S. H. PEREZ, Chief

Enforcement Services Division